

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOSHUA SHUMAN**, a minor by and through his mother and natural guardian **TERESA SHERTZER**, and **TERESA SHERTZER**, individually

## Plaintiffs

**V.**

**PENN MANOR SCHOOL DISTRICT,  
PENN MANOR SCHOOL BOARD,  
GARY B. CAMPBELL**, individually and as  
Superintendent of the Penn Manor  
School District,

AND

**DONALD STEWART**, individually and as  
Acting Superintendent of the Penn Manor  
School District

AND

**JANICE M. MINDISH**, individually and as  
Principal of Penn Manor High School,

AND

**BRIAN D. BADDICK**, individually and as  
Assistant Principal of Penn Manor High  
School,

AND

**PHILIP B. GALE**, individually and as Dean  
of Students of Penn Manor High School,

AND

**CAROLE FAY**, individually and as a teacher  
and Agriculture Coordinator at Penn Manor  
High School

## Defendants

**DEFENDANTS, PENN MANOR SCHOOL DISTRICT, PENN MANOR SCHOOL  
BOARD, GARY B. CAMPBELL, DONALD STEWART, JANICE M. MINDISH, BRIAN  
D. BADDICK, PHILIP GALE, AND CAROLE FAY'S  
MOTION IN LIMINE TO PRECLUDE THE REPORT AND TESTIMONY OF  
EDWARD F. DRAGAN, Ed.D.**

The Defendants, Penn Manor School District (hereinafter referred to as the “District”), Penn Manor School Board (hereinafter referred to as the “Board”), Gary B. Campbell, former

Superintendent of the Penn Manor School District, Donald Stewart, Superintendent of the Penn Manor School District, Janice M. Mindish, Principal of Penn Manor High School, Brian D. Baddick, Assistant Principal of Penn Manor High School, Philip Gale, Assistant Principal of Penn Manor High School, and Carole Fay, a teacher and Agriculture Coordinator at Penn Manor High School,<sup>1</sup> move to preclude the report and testimony of Edward F. Dragan, Ed.D., from trial. In support of this Motion, the Defendants rely upon their Brief attached hereto, incorporated herein.

**WHEREFORE**, the Defendants respectfully request that Plaintiffs be precluded from presenting the report, supplemental report, and testimony of Edward F. Dragan, Ed.D., at the time of trial.

Respectfully submitted:

**SWEET, STEVENS, TUCKER & KATZ LLP**

Date: February 2, 2004

By: /s/ Jason R. Wiley  
**Jason R. Wiley, Esquire**, Atty I.D. #79478  
331 Butler Avenue, P.O. Box 5069  
New Britain, Pennsylvania 18901  
215-345-9111

Attorney for Defendants  
Penn Manor School District, Penn Manor School Board, Gary B. Campbell, Donald Stewart, Janice M. Mindish, Brian D. Baddick, Philip Gale, and Carole Fay.

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<sup>1</sup> C. Willis Herr, Richard L. Frerichs, Jeffrey E. Lyon, Patrick T. Kline, Donald H. Anderson, H. Thomas Herr, Kelly K. Withum, Donna Wert, Jeffrey G. Kreider, Dolores Warfel, and Steve Skrocki, were each individually named defendants in Plaintiffs' Complaint. By Stipulation of the parties dated November 4, 2003 and Court Order dated November 10, 2003, each of these defendants were voluntarily dismissed from this case.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOSHUA SHUMAN**, a minor by and :  
through his mother and natural guardian :  
**TERESA SHERTZER, and TERESA** :  
**SHERTZER**, individually : **CIVIL ACTION NO. 02-CV-3594**

**Plaintiffs**

**v.**

**(GARDNER)**

**PENN MANOR SCHOOL DISTRICT,** :  
**PENN MANOR SCHOOL BOARD,** :  
**GARY B. CAMPBELL**, individually and as :  
Superintendent of the Penn Manor :  
School District, :

**AND** :

**DONALD STEWART**, individually and as :  
Acting Superintendent of the Penn Manor :  
School District :

**AND** :

**JANICE M. MINDISH**, individually and as :  
Principal of Penn Manor High School, :

**AND** :

**BRIAN D. BADDICK**, individually and as :  
Assistant Principal of Penn Manor High :  
School, :

**AND** :

**PHILIP B. GALE**, individually and as Dean :  
of Students of Penn Manor High School, :

**AND** :

**CAROLE FAY**, individually and as a teacher :  
and Agriculture Coordinator at Penn Manor :  
High School :

**Defendants**

**DEFENDANTS, PENN MANOR SCHOOL DISTRICT, PENN MANOR SCHOOL  
BOARD, GARY B. CAMPBELL, DONALD STEWART, JANICE M. MINDISH, BRIAN  
D. BADDICK, PHILIP GALE, AND CAROLE FAY'S**

**CERTIFICATE OF SERVICE**

I, Jason R. Wiley, Esquire, hereby certify that the attached Defendants, Penn Manor School District, Penn Manor School Board, Gary B. Campbell, Donald, Janice M. Mindish, Brian D. Baddick, Philip Gale, and Carole Fay's Motion in Limine to Preclude the Report and Testimony of Edward F. Dragan, Ed.D. and Brief in Support thereof were served *via* first class mail, upon the following:

Deirdre A. Agnew, Esquire  
Goshen Executive Center, Bldg 400A  
1450 East Boot Road  
West Chester, Pennsylvania 19380

SWEET, STEVENS, TUCKER & KATZ LLP

Date: February 2, 2004

By: /s/ Jason R. Wiley  
Jason R. Wiley, Esquire, Atty I.D. #79874  
331 Butler Avenue, P. O. Box 5069  
New Britain, Pennsylvania 18901

Attorneys for Defendants